



THE EQUALITY & JUSTICE FORUM FOR COMMONWEALTH PARLIAMENTARIANS

18th – 20th February 2019, Cape Town, South Africa



FINAL REPORT

A note of thanks

To our Equality & Justice Champions

On behalf of The Royal Commonwealth Society and all the partners of the Equality & Justice Alliance, I want to thank you all for making the Equality & Justice Forum for Commonwealth Parliamentarians 2019 such an exciting and dynamic event. We hope you have journeyed home feeling as inspired as we have to keep building a pan-Commonwealth coalition for change.



Over three days, it was a privilege to be joined by such esteemed delegates and speakers from all corners of the Commonwealth, to come together and share knowledge and expertise that I know will help us all advance equality and justice in the Commonwealth. Having heard inspiring case studies of reform from countries as diverse as Belize, Pakistan, the Solomon Islands, and Mozambique, I've left Cape Town feeling sure that change is possible. What I've learned from all of you is that with political will, the fostering of sensitive dialogue, and international cooperation, we can all lead change in our own countries and beyond.

But the journey doesn't end here. The Equality & Justice Alliance has made a commitment to support reform efforts in Commonwealth countries that want to make those changes. If that's you, your parliament, or your government, please don't hesitate to get in touch so we can explore the potential for further collaboration.

I hope you thoroughly enjoyed your time in Cape Town.

Kind regards

Dr Greg Munro

Chief Executive – The Royal Commonwealth Society

Opening Address – Working in the Commonwealth

Amb. Dr. Josephine Ojiambo

Academic, Deputy Secretary General of the Commonwealth (2015-2018)

As it is configured today, the Commonwealth enables cooperation among its 53 member states towards inclusive and sustainable development. The Commonwealth Charter “recognises that in an era of changing economic circumstances and uncertainty... the potential of and need for the



Commonwealth – as a compelling force for good and as an effective network for co-operation and for promoting development – has never been greater”.

Every two years, a summit of Commonwealth Heads of Government (CHOGM) provides a platform to orchestrate common policies on contentious issues and current events – from ending apartheid in South Africa, to military coups in Pakistan and Fiji, and allegations of electoral fraud in Zimbabwe. Yet the Commonwealth is configured not just as an association of nations but as an association of peoples, manifest in the diverse network of organisations and initiatives that exist in the Commonwealth space. Civil society organisations therefore play a vital role in the Commonwealth, including by pushing the envelope to advance equality and justice for all.

I served as Commonwealth Deputy Secretary General under two Secretaries General, from 2015 to 2018. I reflect with a sense of pride at the progress made by working on equality for all during that time. In one country, the Commonwealth supported capacity-strengthening of a constitutional review sub-committee, which resulted in strengthened language in the sub-committee report to make discrimination on the ground of sexual orientation and gender identity unlawful. This country’s government later made a public commitment to the UN Human Rights Council that it was reviewing its laws in this regard.

We know that discrimination is bad for human rights. However, in the SDG era where ‘leaving no-one behind’ is a common tie between all nations, research attests to the fact that discrimination is also bad for economic growth and development. Research by the coalition of multinational corporations known as Open for Business shows that open, inclusive and diverse societies are better for economic growth, and that discrimination on the basis of sexual orientation or gender identity can damage long-term economic prospects. In Kenya, I am currently involved in providing technical support to the EMBRACE movement that is pushing for gender equality in the Houses of Parliament,



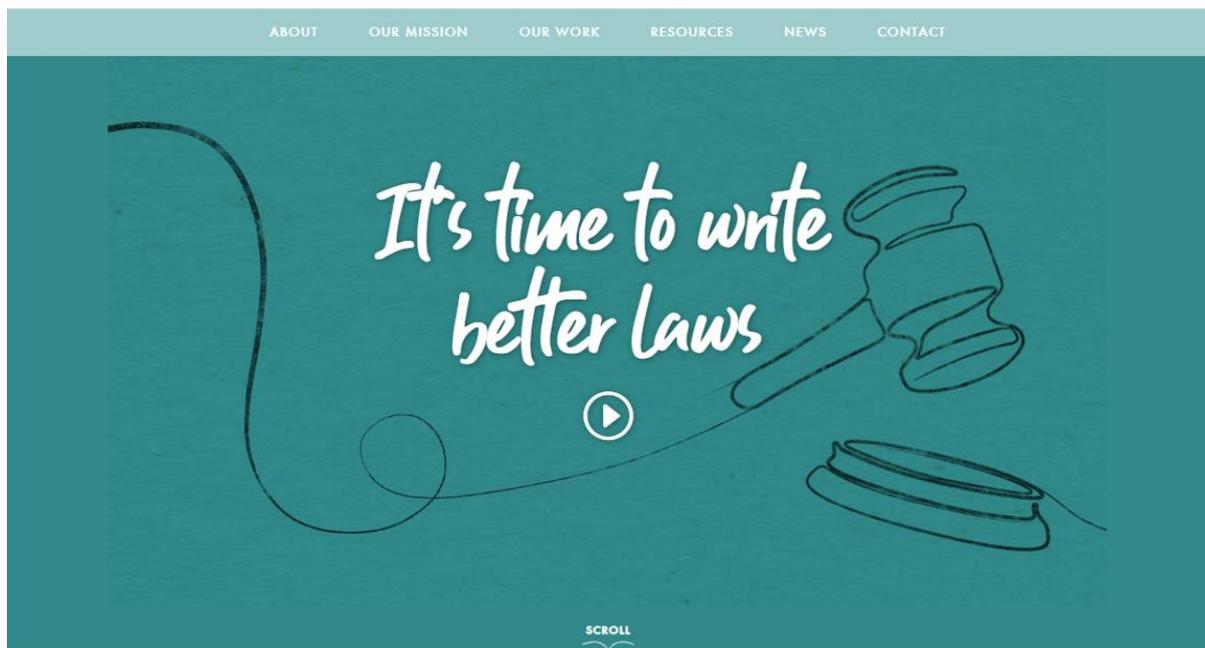
and the public and private sector. Initially the movement pegged its objectives on the two thirds gender principle, but later, in the face of active clawback to the movement's early gains, we changed course to lobby and strategise for equality in all sectors; public, private and at all levels.

“We must therefore see the Commonwealth as an actor itself, whose role is to end colonial forms of domination around the world.”

Within the Commonwealth, we are all working within the context of a colonial legacy that makes the challenges of legal reform to tackle discrimination a ‘Commonwealth problem’. We must, therefore, see the Commonwealth as an actor itself, whose role is to end colonial forms of domination around the world. UK Prime Minister Theresa May recently provided

an historic expression of regret for this context, and a promise of support for reform to Commonwealth countries that request it, providing us with a valuable point of departure. To work together to overcome the shared challenge of these discriminatory colonial laws, the importance of sensitivity and of building consensus and dialogue among stakeholders must be central to our efforts. Similar laws, legal systems, political systems, and shared language in the Commonwealth make peer learning and knowledge sharing particularly valuable – that is the purpose of this Forum. As we will hear, Commonwealth states like Belize, Mozambique, Pakistan and the Solomon Islands are already leading the way in this regard. Let us use this opportunity to share our collective knowledge of political reforms that have happened and how they could be relevant in other regions of the Commonwealth.

I commend you all for your dedication to the work that each one of you does daily in contexts where burn out, lack of appreciation and active repression often cloud your efforts. Thank you! You are our Commonwealth Champions. We hope that each one of us will leave this Forum reinvigorated and inspired by the case studies and presentations and that we will continue forwards as Champions for legislative reform in Commonwealth countries and globally.



The Equality & Justice Alliance Web Platform

With over 400 legislative reform resources and growing, the Equality & Justice Alliance web platform is a wealth of information on how discriminatory laws impact, and can be overcome, in the Commonwealth.

The Platform brings together a huge range of materials, articles and cases relating to the reform of laws that discriminate against women and girls, and LGBT+ people. To find out more, as well as information about the work and priorities of the EJA, click here: <https://equalityjusticealliance.org/>

The core of the new site is the EJA Resource Centre - an extensive database storing a huge array of reports, case studies and toolkits. We have compiled this resource with the aim of assisting government officials, lawmakers, members of parliament, civil society leaders and activists from across the Commonwealth to build their knowledge and awareness about approaches to legislative reform and key legal and policy developments in the countries of the Commonwealth. The site also hosts a range of interesting videos which present views and testimonies about legal reform from civil society activists and others.

We will be adding to the platform and promoting new research through it over the coming months, so we hope you will consider subscribing to the [EJA Newsletter](#) to keep up to date with new developments, information and the progress of the EJA programme.

We would also be delighted if you would like to suggest materials to include in the future by emailing us with the details.

Commonwealth Case Study

Mozambique Penal Code Reforms (2015)

Kubi Rama – Advisor, Gender Links

While Mozambique’s constitution – which contains strong equality protections – was drafted in 2004, its penal code dated back to the 1886 and the Portuguese colonial era.

Prior to 2015, Mozambique’s Penal Code contradicted the country’s Constitution and was also out of step with newer pieces of domestic legislation (including the 2009 Domestic Violence Act and the 2011 Sexual and Reproductive Health Bill), as well as regional and international frameworks like the Maputo Protocol and CEDAW. A decision was taken that an entirely new Penal Code was required.



Between 2010 and 2015 there was an extensive national consultation process, before the new Penal Code was adopted in 2015. Key features of the new code include:

- Rape: Limited changes to the definition of rape, however the Code still maintains a narrow definition which covers penetration by penis only.
- “Offences against nature”: The wording of the previous Penal Code was widely interpreted as criminalising homosexual acts. This has been removed – a de facto de-criminalisation of homosexuality. However, the LGBT+ community is still not legally protected or recognised as part of Mozambican society.
- Age of consent. The Penal Code is ambiguous on the age of consent – a clear gap in need of further reform. The age of consent implied is 12, yet in other sections there is an implied age of 16. This creates legal confusion, and needs to be clarified.
- Termination of pregnancy: safe abortion has been made legally available for over 16s, or for those under 16 available with the consent of any adult over the age of 21. Unsafe abortion has also been criminalised. However there has not been a corresponding awareness campaign, meaning many are not aware that abortion is now legal. There is limited budgetary allocation for communicating and implementing this legislative change. Health workers can conscientiously object from performing terminations, leading to staff shortages and hampering implementation.

- Domestic violence: extensively covered in the new Penal Code. However, there are discrepancies between the Penal Code and Mozambique’s 2009 Domestic Violence law, leaving confusion about which law you might use to prosecute. Both have different definitions of domestic violence. The Domestic Violence Act provides for third party reporting, whereas the Penal Code does not. The definition of parties involved is also different in those two laws.
- Age of criminal capacity. In the new law this is highly ambiguous. Technically, the age has been moved from 10 to 16, but between 16 and 21 capacity must be tested, meaning the de facto age is 21 – very high by international standards. This change was partly made in response to a civil society call to raise the age to avoid the criminalisation of children, however this has now gone from one extreme to the other.
- Crime of castration still does not technically cover Female Genital Mutilation (FGM)
- Care of children and the elderly has been included.
- Discrimination has been made a crime, but the Penal Code does not make reference to sexual orientation or gender identity so the LGBT+ community is not protected.

There are clear gaps in the legislation, and it went under review almost immediately. Key issues that are absent from the new Penal Code include child marriage, bullying, and clear guidelines on the age of consent. Calls to have adultery criminalised were fortunately not heeded. However, there is some concern in terms of the review process that there may be moves to re-criminalise abortion. There is a need for the harmonisation of laws and policies; new legislation often includes wording to the effect of ‘this law takes precedence over older pieces of legislation’, but there is no such provision in the new Penal Code, creating legal contradictions.



Interventions and responses

These issues are very similar in other Commonwealth jurisdictions – particularly resonant is the issue of new constitutions contradicting other more outdated laws. A key recommendation would be the establishment of permanent Law Reform Commissions that continuously review and bring amendments to laws. One area that may require further inspection is marriage legislation – with couples increasingly having children outside of marriage, there is a need for legislation to reflect lived reality in this regard.

Civil society was key in advocating for various progressive elements of the reform. However, government allies were also key; the Ministry of Health was instrumental in ensuring termination of pregnancy was included. Churches were not happy about this element of the reforms.

In South Africa, every legislative proposal must have a budget and roll-out plan attached, otherwise



it doesn't pass Parliament. This is key to ensuring implementation.

Mozambique has made progress, but there is further to go, including revision of the Civil Code. 75% of Mozambique's population is under 50 and things are changing because younger people have a new vision. One big issue is inheritance, where dual constitutional and customary systems compete – the constitution must always take precedence.

Note: A full Case Study document and video is in development and will be made available to all delegates shortly.

Commonwealth Case Study

Solomon Islands Family Protection Act (2014)

Neomai Maravuakula – Senior Human Rights Advisor, Regional Rights Resources Team (RRRT), South Pacific Community

According to a 2009 family health and safety study, 64% of women in the Pacific experience violence by a sexual or intimate partner. 70% of those affected did not report it, and in instance where it was reported, it was overwhelmingly to a family member, rather than to the police. A widespread tolerance of domestic violence within communities was also found among survey respondents.

Violence against women in the Pacific: the regional view

In the Pacific, custom, faith, and tradition remain very strong and are often a barrier to improving gender equality legislation. Ten years ago, it was difficult to have conversations about violence against women, but there has now been a widespread acceptance of the problem by governments and 14 countries have adopted domestic violence legislation. There has also been progress at an international level with only Tonga and Palau not party to CEDAW.

For many countries in the region, RRRT supported governments with the development and review of their Domestic Violence legislation. In looking to craft new domestic violence legislation, it was critical to look at good practice and international frameworks, but then ensuring these were contextualised to specific countries' domestic settings to ensure ownership and relevance. In the Pacific, many governments objected to legislation being named a 'Domestic Violence Act', preferring more positive wording like 'Family Protection' helped present the legislation in a positive way to both policymakers and communities.



The key features of domestic violence legislation in the region are:

- A definition of domestic violence, domestic relationships and offenses; definition of violence expanded to include not just physical violence, but psychological and sexual violence as well

as economic abuse.

- Protection orders – applications are made more accessible (various forms of applying) and there is shorter time frame in which the court is to issue temporary or final orders to ensure immediate protection.
- The duties of the police/police safety orders – these are orders that the police can issue and are for a short period of time, particularly when they come across domestic violence when the courts are not open (weekends or late at night)..
- Defining the duties of lawyers, judges, and health workers
- The inclusion of advisory committees
- The guarantee of the provision of funds, although in some countries there is an implementation gap with regards to funding

RRRT has also conducted advocacy with Pacific governments around sexual orientation and gender identity and legislative reform, but they remain quite resistant. Through the drafting support provided to member countries on domestic violence, one country has insisted that same-sex relationships are excluded from domestic violence legislation. In other countries the relationships that are defined or covered in the family relationship are quite broad and may be open for same sex couples, however this not been legally tested.



The Solomon Islands Family Protection Act (2014)

Harmful gender norms remain a problem in the Solomon Islands. Traditionally, the use of ‘bride price’ is still used in marriage. When you marry into a family you pay the woman’s family a money shell necklace, implying ownership over the wife, and the same is true when the couple have a child. Under the previous legislative regime for domestic violence, the burden of proof was on the survivor. There was a requirement of corroboration of sexual assault which was extremely difficult to obtain, and past sexual history and ‘proof of resistance’ were used as evidence. However on a positive note, the Solomon Islands has signed up to CEDAW and, unusually for the region, its Optional Protocol.

The new legislation (Family Protection Act) was a collaboration between the Ministry of Women and the Ministry of Justice, supported by RRRT with technical assistance. There were 13 drafts of the Bill, which underwent extensive consultation with communities. Civil society and government worked together on community sensitisation initiatives, as well as parliamentary advocacy. This included mapping parliamentarians with colour coding denoting their support for the legislation, to understand who required further knowledge support to ensure the passing of the bill. This build up in lobbying specific members of Parliament resulted in the FPA passing without any objections. Information packs that were prepared also tackled the concerns of culture and faith, including engaging with faith leaders. A key approach was identifying

common language and values.

However, implementation has been a struggle. RRRT and the government have developed an implementation plan, conducting extensive training with the police, prosecutors, lawyers and magistrates. A pilot access to justice programme has been developed in two provinces, providing training to authorised justices around harmful gender stereotypes. This involves building their capacity to be able to better undertake their role in issuing interim protection orders.

Interventions and responses

The nature of domestic violence being about imbalanced power relations between men and women means that tailored legislation to protect women is essential to ending this entrenched problem. The statistics show that family violence in the overwhelming majority of cases is inflicted by men against women.

In South Africa, a campaign was started called the ‘1 in 9’ campaign; which refers to the fact that only one in nine victims of domestic violence report it (and of these, there is no guarantee of a trial or conviction). There’s also a taboo about violence within same-sex relationships; this is something the movement is only just beginning to speak about but it must be dealt with. Domestic violence legislation must also be amended to ensure same-sex partners are also protected.



There’s a need for age-appropriate discussion in schools about harmful gender roles, so we can raise a generation of young people who are more respectful of each other and know their rights.

Domestic violence legislation globally does not seem to have reduced rates of violence. This legislation is essential; but prevention is better than cure. Women in abusive relationships don’t have confidence or agency or economic independence, and they often stay in abusive relationships because they want their children to be secure. Economic empowerment enables women to leave these abusive relationships. However, another problem has been recognised; that sometimes when women gain a more financially secure position, abusive partners can attempt to exert control over their money. What’s essential is creating an environment where women respond to violence by contacting the authorities because they are confident they can access redress. Intersectionality also compounds problems – for example the abuse of disabled women by their husbands.

A Caribbean delegate says that their country passed domestic violence legislation, with a focus on large fines for breaches of protection orders rather than custodial sentences. There has been decreases in violence. A big improvement has been outlining the action that must be taken by the police. This has reduced situations where women would report violence and the police would ignore the problem and say ‘go home and make up’. The Caribbean has made big strides in terms of legislation to reduce violence against women but there’s a huge amount more work to be done.

Commonwealth Case Study

Reform of Belize's sexual offenses legislation

Judith Alpuche – Chief Executive Officer, Belize Ministry of Human Development, Social Transformation, and Poverty Alleviation

Reform of the child protection system began in the 1990s; criminal laws were completely inadequate to protect children from sexual crimes.

Issues included a lack of gender neutrality in terms of defining both victims and perpetrators, and also a narrow definition of rape as penetration by a penis. The only provision that provided justice for non-penetrative sexual abuse was the charge of 'indecent assault', which had a penalty of three years in prison. Offensive language such as "female idiot" was used in the sexual assault provisions for persons with cognitive disabilities.

In 2006 the National Committee for Families and Children and the Ministry developed a zero-draft consensus document after consultations with a wide variety of stakeholders and began advocating for reform to the Attorney General. Initially there was not a huge amount of movement. However, in 2008 a change in government also brought a change of approach, and high-profile cases galvanised momentum. The First Lady, a prominent activist in her own right for the human rights of women and children, was given a formal unpaid role as Belize Special Envoy for Women and Children. Her influential position was key for driving change.



By 2013 Belize had upgraded its Trafficking in Persons (Prohibition) Act and passed the Commercial Sexual Exploitation of Children (Prohibition) Act. A constitutional challenge brought by LGBT+ rights activist Caleb Orozco saw Belize's colonial buggery law struck down, sparking a contentious national debate. However, Belize's Cabinet had already approved a revised National Gender Policy which caused controversy due to a 'respect for diversity' clause which included sexual orientation as a protected characteristic. Some faith-based organisations, often with financial backing from US evangelical churches, had criticised this clause as being part of a 'gay agenda', yet the Prime Minister refused to withdraw the policy. These organisations also opposed the proposed sexual offenses amendments to the Criminal Code. Parliamentarians on both sides were concerned by opposition from faith groups. However, after an unprecedented media sensitisation and public engagement campaign, and an unprecedented number of Parliamentary Committee Hearings, the legislation was



passed unanimously.

The new Criminal Code Amendment Act of 2013 featured the following key points:

- Gender neutral language to equally protect boys and girls and recognise male and female perpetrators
- A clear articulation of the various forms of rape
- A clear articulation of the various forms of non-penetration offenses that can be committed against children
- Stiffer penalties for all offenses
- A clarification on child mistreatment provisions including abandonment and kidnapping
- Equal protection for males and females with mental illness or cognitive disabilities from sexual abuse
- The establishment of a national sexual offenders' register. Controversy remains about whether this should be made public.

Belize is a small country with a population of only 380,000 people. In smaller countries, change is a marathon not a sprint and reforms take time.

Belize is a small country with a population of only 380,000 people. In smaller countries, change is a marathon not a sprint and reforms take time. Stakeholder analysis must be continuous, and the use of high-profile champions and opposition allies highly effective. Political will and leadership are essential.

There have been convictions under the revised law, showing that it is working. However, there is a need for further reform to harmonise legislation, and also in areas such as marital rape legislation, the age of marriage, juvenile justice, and action to combat sexual cyberbullying. The government is looking to introduce anti-discrimination legislation within the year. Belize has sexual harassment legislation but it's not being used, and the government must look at why this isn't working.

Interventions and responses

Belize is overwhelmingly a Christian country; the small minority of Hindus, Muslims, and other faith groups were virtually silent in the national debate.

There was some backlash against the LGBT+ community, but thankfully in Belize this was largely verbal harassment rather than physical violence. The government worked closely with civil society organisations to help frame the discussion and address public concerns. It's not clear if increases in reporting reflect growing confidence in the law to report incidents, or an increase in them. Further research is required to assess the full impact of these legislative changes.

The comparison with South Africa is difficult to make; a very small country versus a large one. In South Africa there is an amended sexual offenses act but still very high rates of sexual offenses; the law is not effectively reducing these crimes. This act did however help to put in place programmes

like one-stop centres in hospitals and police stations. The law must include preventative measures, and not just those that bring justice to perpetrators.



In Belize there's a two-track system and police and social services work hand-in-hand. The law also includes mandatory reporting duties. The Ministry is now working with NGOs and schools to ensure they have a reporting plan in place.

Commonwealth Case Study

Pakistan Transgender Persons (Protection of Rights) Act (2018)

Hon. Naveed Qamar MP, Parliamentarians for Global Action Board Member

People often express surprise that a conservative country like Pakistan has a transgender rights act, as many view the Western progression of LGBT rights as having 'gay' rights coming ahead of transgender rights. However, Pakistan has a long and historic cultural tradition of the inclusion of transgender people in society.

Historically, transgender people in Pakistan often carried out specific roles in society, including in the courts of sultans and rulers and were sometimes even the closest confidants of kings. During colonial times they were marginalised by British colonial rulers and their conservative values. Therefore, despite some level of social acceptance in Pakistan, today transgender people are some of the most discriminated against in Pakistani society.



Prior to the law, there was no legal recognition of transgender people and therefore they were invisible in the eyes of the law. In Pakistan your basic identity comes from an identity card which includes your gender, and this card gives you the right to a passport, property documents, voting and travel. Your sex has to be recognised for you not to be discriminated against. Pakistan is a highly gender segregated society, making it particularly difficult for transgender people whose identity is not recognised by the state.

Five years ago, Pakistan's Supreme Court made a judgement which called for an end to legal discrimination against transgender people, including that transgender people should get ID cards reflecting their gender identity. The new law covers:

- The right to inherit in line with your gender identity – Pakistan has unequal inheritance laws for men and women in line with Islamic Law
- The right to vote in a gender-segregated polling booth in line with your gender identity
- The right to hold public office
- For safe environments for transgender people to be provided in schools, hospitals, and

prisons

- The right to not be discriminated against in employment or education
- The specific provision of adult literacy training for transgender people

There are also enforcement mechanisms, and access to federal mechanisms including the ombudsman. However there remains a lack of broad public sensitisation. Making the law is one thing, but enforcing it is another.

The Parliamentarians for Global Action Executive Committee supported Hon. Naveed Qamar MP to introduce the transgender rights bill. The Bill came into Senate in the last month before elections, where only certain days were allocated for private members bills. The Speaker provided special help by chairing a special session to pass the legislation.

There was some opposition, but it was relatively easy to make persuasive arguments when looking to Pakistan's history of acceptance of transgender people.

Interventions and responses

A delegate asks about the extent of public and political opposition. There was some opposition, but it was relatively easy to make persuasive arguments when looking to Pakistan's history of acceptance of transgender people and the lack of Islamic scholarship in opposition. Localising advocacy within the Pakistani context prevented this from being seen as a Western agenda. While there is strong opposition to homosexuality in Pakistan, issues of gender identity are less



controversial and not conflated. Parliament accepted the Bill unanimously. Pakistan maintains colonial sodomy laws. An African delegate praises the positive use of traditional and cultural narratives, and draws comparison to the pre-colonial era in Southern Africa when there were more inclusive and fluid ideas about gender. These historic narratives could be used in advocacy to overturn harmful ideas about gender.

A delegate notes some similarities between local conceptions of gender identities in Pakistan and some Commonwealth Pacific island nations. It is important in these contexts to see these specific identities as local, and not conflate them with Western conceptions of transgender identities that don't fully correlate or can be unhelpful to discussions about advancing reforms that protect these groups. In the Pacific, dedicated transgender rights legislation is potentially not the best approach to protecting gender identity rights. Constitutional amendments and inclusion within existing amendments would be preferable.

Gender identity remains a highly taboo subject in much of the Commonwealth, including in the UK. Change will not come overnight and requires sensitive dialogue to further understanding among the



public and policymakers. We must be careful to build understanding on the use of empowering terminology, and how to avoid harmful terms that feed stereotyping and discrimination.

We must look at the root cause of discrimination against individuals on the grounds of gender identity: patriarchy and rigid ideas about gender norms which are often partially rooted in British colonial ideas about gender. One delegate expresses concern that efforts to integrate transwomen into society see them being encouraged to take on traditionally female roles like needlework or makeup artistry that do not challenge broader ideas about gender and the role of women in society. We must push for transwomen to be accepted in all roles, from those that are traditionally female to historically male-dominated areas like science and politics.

A delegate notes that starting difficult conversations about gender must begin through entry points that communities can relate to. A project in East Africa began with meetings in local communities to talk about the different social pressures being placed on boys and girls. People could relate to and understand these negative ideas about men and women and that they could be positively changed.

Note: A full Case Study document is in development and will be made available to all delegates shortly.

Bridging inter-generational divides

EJA Commonwealth Youth Champions

On Sunday 17th February, ahead of the Equality & Justice Forum for Commonwealth Parliamentarians, the EJA Commonwealth Youth Champions convened to discuss and strategise how to integrate meaningful youth participation and action into the global push to reform discriminatory laws.



The meeting started with a round of introductions with participants sharing more about their background and work. The participants came from diverse professional backgrounds, with some working to address discrimination against women and girls and others working primarily to address discrimination against the LGBTQ community. Participants worked together to identify some common constraints from the different case studies that were shared, especially as it relates to legislative reform and implementation. This was followed by the brainstorming session from which the participants were able to come up with viable

recommendations. During the Forum, the EJA Youth Champions presented their recommendations to delegates, to advance meaningful discussion around youth engagement in legislative reform processes and how this can be practically achieved.

Some key recommendations include:

- Education on human rights through civic education, including the development of a high school curriculum anchored in human rights and the Sustainable Development Goals (SDGs).
- Online modules and toolkits developed on key topics, current issues and using easy-to-understand information
- Develop university partnerships, and get clubs and societies involved in discussions on legislative reform. Also embed relevant topics into university courses.
- Launch training and capacity-building on International Law, Protocol and Treaties UDHR, CEDAW, Yogyakarta Principles, SDGs. Educating and advocating for the implementation of regional legislative instruments can also play a key role. Ensure youth attendance at the review and renewal of treaties (e.g. UPR)

“Engaging young people in advancing equality for women and girls and LGBT+ people requires key elements and actions to lay the foundation and create the environment for necessary change.”

- Review the effectiveness of youth ministries/departments. Support their capacity and reach through the creation of an independent youth parallel body that sits beside government and advocates for youth issues.
- Secure funding by establishing a diaspora fund, and direct funds to foundational work on educating young people about human rights and how legislation affects their lives. Establish a sustainable youth-managed fund to distribute money to youth projects.
- Invest in the safety and security of young activists by investing in safe houses and investing in mental health services for human rights activists working in hostile environments
- Provide training and capacity building for young activists to enhance their ability to advocate effectively on gender equality issues.
- Develop international exchange programmes for LGBTI people and young women between developed and developing countries
- Use positive stories of young women and LGBT role models to challenge stereotypes and change narratives, and to highlight the contribution people make to their communities
- Develop roundtable discussions amongst organisations in each country that share the same goals, such as national groups and NGOs on women's rights and LGBTI rights to build civil society consensus and coordinated action for change.
- Support and encourage the empowerment of LGBTI community in development of their own businesses (entrepreneurship skills and programs).
- Actively engage with religious and traditional leaders, to build constructive dialogue around shared ideals



“Use positive stories of young women and LGBT role models to challenge stereotypes and change narratives.”

Extract from Of Broken Glass Ceilings – A Poem by Nafula Wafula



I believe in a just and fair world, where I am not subservient to another because we differ in colour, gender, sexual orientation, religion, age. Whatever differentiation.

I believe in equality, peace, togetherness...
and if you believe in the same,
raise your hand and be counted
Join the match as we state it
make a statement, embrace it, acknowledge it, not just when it favours you but every minute
Act like it, live it, epitomize it, shout it,
Raise your fist in the air, defiant, and own it
own your life and your role in actualising it
every day...shout it.

Then I will not journey alone...you will be there...
you will not walk alone, I will be there...
Before you know it, we are a movement
undeterred, undefeated
If you own it, you give others the permission to own it,
to be it, to embrace it...
come...let us walk together. Let us journey...let us cross the finish line. Together
let us win.

Extracts from the Closing Panel

Reforming laws that discriminate in the Commonwealth

Bhongolwethu Sonti

Equality & Justice Alliance Youth Champion; Director of Programmes, Tore's Foundation, South Africa

There is a need for better education on how laws affect us at the community level, the process of repealing discriminatory laws and the capacitation of civil society, especially youth, to meaningfully participate in this process.

Vertical education applies in civil society engaging legislators to build understanding on the thematic issues of their discourse. This includes breaking the technical language barriers that might exist which at times lead to barriers for legislators to apply changes. There is need to empower MPs with the same level of knowledge as technical experts on LGBTI, women's, and girls' issues. This forum has highlighted that there has been good progress made in recognizing LGBTI persons in reforming penal codes. This has also been seen through the revision of the language in sexual offenses and domestic laws to protect young girls and recognise women's rights to citizenship. It is my hope that the work of this alliance moving forward will forge even greater change as we work towards achieving the aims of the Sustainable Development Agenda.



Dep. Ana Rita Sithole MP

Chair of Parliamentarians for Global Action National Group, Mozambique



A key learning from the Forum has been the exchange of experience and practices from across the Commonwealth – shared cultures, issues and types of legislation were discussed.

Our regional break-out sessions – where participants discussed the challenges and opportunities for reform in their countries, identified four clear areas where support was needed: legislation; education and sensitisation; best practice sharing; and technical support and capacity building. It is key that we continue to work on these priorities going forward.

Steve Letsike

Executive Director – Access Chapter 2, South Africa; Vice Chair – The Commonwealth Equality Network



I am grateful for the opportunity to engage and talk to you in various capacities, and most importantly as members of the Commonwealth.

Today reminds us that expanding access to the most vulnerable and marginalised populations is central to our goal of ending inequalities and ending AIDS as a public health threat by 2030. We must continue to advocate, agitate and convince governments to understand this as parliamentarians, members of civil society, and as ordinary citizens. There must be no exclusion in all spheres and levels on the basis of race, sex, gender, social status, sexual orientation, age and any other criteria. In South Africa, our Constitution enjoins us to respect the rights of all and

urge those from other countries to do the same.

It is quite disturbing that we have to keep repeating this, because the newly adopted Sustainable Development Goals pledge that “no one will be left behind”. All Member States have adopted these and therefore we must all be guided by the principles which underpin them. Thank you for being in the frontline of hope for many LGBTI people. They need you, your voice, and for you to stand up as an ally.

HE Kourabi Nenem

Vice President of the Republic of Kiribati

As members of the Commonwealth, we have experienced British colonial legacies in our constitutional setting and structure.

This continues to shape and influence our national development processes which need to be reviewed and reformed to meet the new demands we are facing in this changing and dynamic world. My contribution to this Forum is as a politician and Government Minister looking after the portfolios including Women, Youth, Sport and Social Affairs. We are here because we have a moral responsibility to ensure that our people live in a peaceful, healthy, secured and inclusive society. I wish to agree with the point that eliminating discrimination and inequality is a pre-condition for national economic development and it should be something which we as leaders and politicians must invest in it in terms of commitment and time.



HE Dr Festus Mogae

Chair of the Champions for an AIDS-Free Generation in Africa; President of Botswana (1998-2008)



HIV and AIDS is still with us. While we do not underestimate the substantial amount of work that has been done and what has been achieved in stabilising the situation and converting what was a killer disease into a chronic one that a person can live with, we nevertheless still recognise that there is still a long way to go.

Our understanding, as Champions, is that the quality of life for people living with HIV does not end at provision of treatment and resultant averting of death. It is much broader, including ending the stigma and discrimination in health facilities and homes, addressing discriminatory laws that hinder people from seeking medical care and support, and ending violence perpetrated against key populations especially LGBTI people and young women and girls. These are some of the worrying factors that impact negatively on the quality of life of people living with HIV.

I need not overemphasise the fact that inclusivity in the AIDS response remains paramount. This is very key for us as the Champions. I can confirm that we have visited several of our countries in Africa and actively engaged national leaders, including Heads of State & Government, Parliamentarians, traditional and faith-based leaders, as well as leaders in civil society, on these issues. We will continue to do so, as we believe that leadership holds the key to ending AIDS.

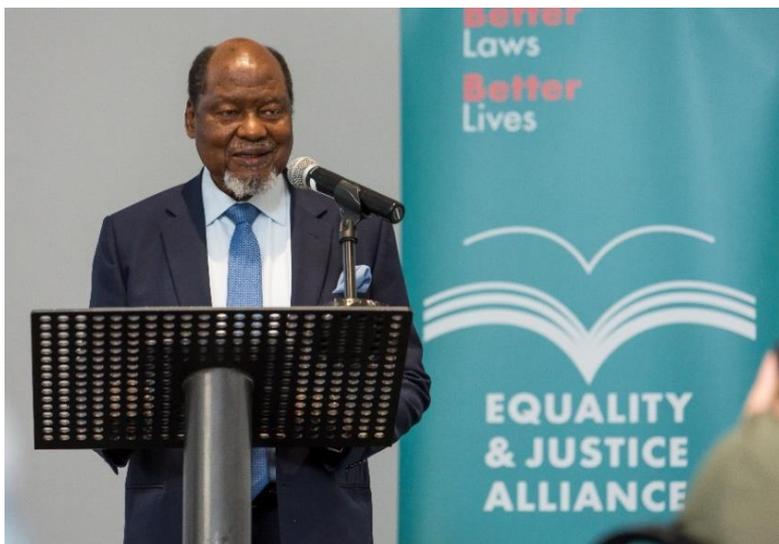
Extract from the Closing Address

HE Joaquim Chissano

Vice-Chair of the Champions for an AIDS-Free Generation in Africa; President of Mozambique (1986-2005)

Honourable parliamentarians. As elected representatives chosen by your people, you have the right and responsibility to ensure that the rights of the people are enshrined in all you do. As Champions we are encouraged by your convening at this Forum and your commitment to your country.

As Champions for an AIDS- Free Generation, we have a slogan that says “Stronger, more visionary, and more outspoken leadership must come from the continent most affected by the epidemic”. I say to you that part of our answer lies with our parliamentarians – the true Champions of the people.



I am proud of my country, Mozambique. We have been one of the regional leaders in reforming discriminatory laws. What Mozambique shows is that legal reform that advances human rights is possible, when Parliamentarians and governments act together for the common good. This is the kind of leadership we need in Africa and across the Commonwealth, to end discrimination and stigma, and to halt the spread of HIV. This leadership must come from within countries and from the continent. We hope other states across the Commonwealth will follow in the footsteps of Mozambique to reform

these discriminatory laws that perpetuate hate and violence. We implore you, our leaders to ensure that these laws are implemented, respected and enforced.

Changing social attitudes takes time and requires sensitive dialogue – this is the role of parliamentarians, as leaders in your communities. We as Champions and the Equality & Justice Alliance pledge our support to you. Attaining a free and just society and winning the fight against HIV requires that we stay steadfast in our intention to leave no one behind. As we’ve learned this week, there are Commonwealth states that are doing well in this respect. We must learn from these and ensure that Africa and the Commonwealth’s potential for attaining a healthy and productive continent, free of discrimination and stigma, is attained.



EQUALITY & JUSTICE FORUM FOR COMMONWEALTH PARLIAMENTARIANS 2019

LIST OF PARTICIPANTS

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Hon. Andy Daniel MP – Speaker of Parliament, St Lucia

Hon. Bernard Georges MP – MP, Seychelles

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Madam Joyce Nenem – Wife of the Vice President of Kiribati

Judith Alpuche – Chief Executive Officer, Ministry of Human Development, Social Transformation, and



Poverty Alleviation of Belize

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